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**'I/A' ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	9562/17
Subject:	Draft Council Decision extending the term of office of a Deputy Executive Director of Europol

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1. Article 54 paragraphs 3 to 5 of the Europol Regulation 2016/794<sup>1</sup> read as follows:
  - '3. *The term of office of the Executive Director shall be four years. By the end of that period, the Commission, in association with the Management Board, shall undertake an assessment taking into account:*
    - (a) *an evaluation of the Executive Director's performance, and*
    - (b) *Europol's future tasks and challenges.*
  4. *The Council, acting on a proposal from the Management Board that takes into account the assessment referred to in paragraph 3, may extend the term of office of the Executive Director once and for no more than four years.*

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<sup>1</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

5. *The Management Board shall inform the European Parliament if it intends to propose to the Council that the Executive Director's term of office be extended. Within the month before any such extension, the Executive Director may be invited to appear before the competent committee of the European Parliament.'*

2. Article 55 of the Europol Regulation 2016/794 reads as follows:

'1. *Three Deputy Executive Directors shall assist the Executive Director. The Executive Director shall define their tasks.*

2. *Article 54 shall apply to the Deputy Executive Directors. The Executive Director shall be consulted prior to their appointment, any extension of their term of office or their removal from office.'*

3. The rules for the selection, extension of the term of office and removal from office of the Executive Director and Deputy Executive Directors of Europol are set out in a decision of the Management Board of 1 May 2017. Article 11 of this Decision describes the procedure for the extension of the term of office and paragraphs 2 to 4 read as follows:

'2. *At the latest twelve months before the end of the first term of office of the Executive Director or Deputy Executive Director, the Management Board may decide to derogate from the procedure established in Chapter 2.*

3. *In such cases, the Management Board shall draw up a proposal advising the Council to extend the term of office in accordance with Articles 54(4) or 55(2), respectively, of the Europol Regulation.*

*This proposal shall be supported by an assessment undertaken by the Commission, in association with the Management Board, taking into account:*

*(a) an evaluation of the performance of the Executive Director or Deputy Executive Director, and*

*(b) Europol's future tasks and challenges.*

*The proposal of the Management Board concerning a Deputy Executive Director shall be drawn up after having consulted the Executive Director.*

4. *The Management Board shall inform the European Parliament if it intends to propose to the Council that the term of office of the Executive Director or of the Deputy Executive Director be extended.'*

4. Mr Wilhelmus van Gemert was appointed Deputy Director of Europol on the basis of Article 38 of Council Decision establishing the European Police Office (Europol)<sup>2</sup> for a four-year period from 1 May 2014 to 30 April 2018.

5. Article 73 of the Europol Regulation 2016/794 reads as follows:

*'1. The Director of Europol appointed on the basis of Article 38 of Decision 2009/371/JHA shall, for the remaining period of his or her term of office, be assigned the responsibilities of Executive Director, as provided for in Article 16 of this Regulation. The other conditions of his or her contract shall remain unchanged. (...)*

*3. Paragraphs 1 and 2 of this Article shall apply to the Deputy Directors appointed on the basis of Article 38 of Decision 2009/371/JHA.'*

6. On 10 May 2017, the Management Board of Europol informed the European Parliament about its intention to propose to the Council that Mr van Gemert's term of office be extended.

7. On 19 May 2017, Europol sent the opinion of the Management Board on the extension of the term of office of a Deputy Executive Director, as contained in 9312/17, to the Council.

8. On that basis, the draft Council Decision extending the term of office of a Deputy Executive Director of Europol Mr van Gemert was prepared as set out in 9339/17. It has undergone the lawyer-linguist revision as set out in 9562/17.

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<sup>2</sup> OJ L 121, 15.5.2009, p. 37.

9. *In the light of the opinion of the Management Board of Europol to extend the term of office of Mr van Gemert and its invitation to consider the reclassification of Mr van Gemert's grade to AD 14, the Permanent Representatives Committee is requested to invite the Council to:*

- *adopt Council Decision extending the term of office of a Deputy Executive Director of Europol set out in 9562/17 as an 'A' item at a forthcoming meeting;*
  - *order that the statement in the addendum to this note be entered in the minutes of that meeting;*
  - *order the publication of the Council Decision in the Official Journal of the European Union.*
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